

REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, June 8, 2010, 6:00 p.m.
Council Chambers, City Hall
630 E. Hopkins Street

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan, Commissioner
Bucky Couch, Commissioner
Jude Prather, Commissioner
Curtis O. Seebeck, Commissioner
Jim Stark, Commissioner
Chris Wood, Commissioner

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**
6. **CUP-10-11.** Hold a public hearing and consider possible action on a request by Ronnie Vasquez for a Conditional Use Permit to allow renewal of a Conditional Use Permit for a hair salon at 317 N Fredericksburg St.
7. **PC-10-05(04).** Hold a public hearing and consider possible action on a request by Lorenzo and Fidel Valadez Bros. Inc. for possible action on a replat of a portion of Block 43, Second Section, Victory Gardens and a portion of the J.M. Veramendi Survey No.1 to create two lots to be known as Lot1-A and Lot 2-A, Block 43, Second Section, Victory Gardens and located at 1204 and 1208 IH 35 South.
8. **ZC-10-02.** Hold a public hearing and consider possible action on a request by Lumberton Investment, LTD for a zoning change from Neighborhood Commercial (NC) to Community Commercial (CC) for the property at 1211 Cheatham Street.
9. **ZC-10-03.** Hold a public hearing and consider possible action on a request by Lumberton Investment, LTD has requested a zoning change from General Commercial (GC) to Community Commercial (CC) for the property at 660 East Hopkins Street.

10. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

Commissioners' Report.

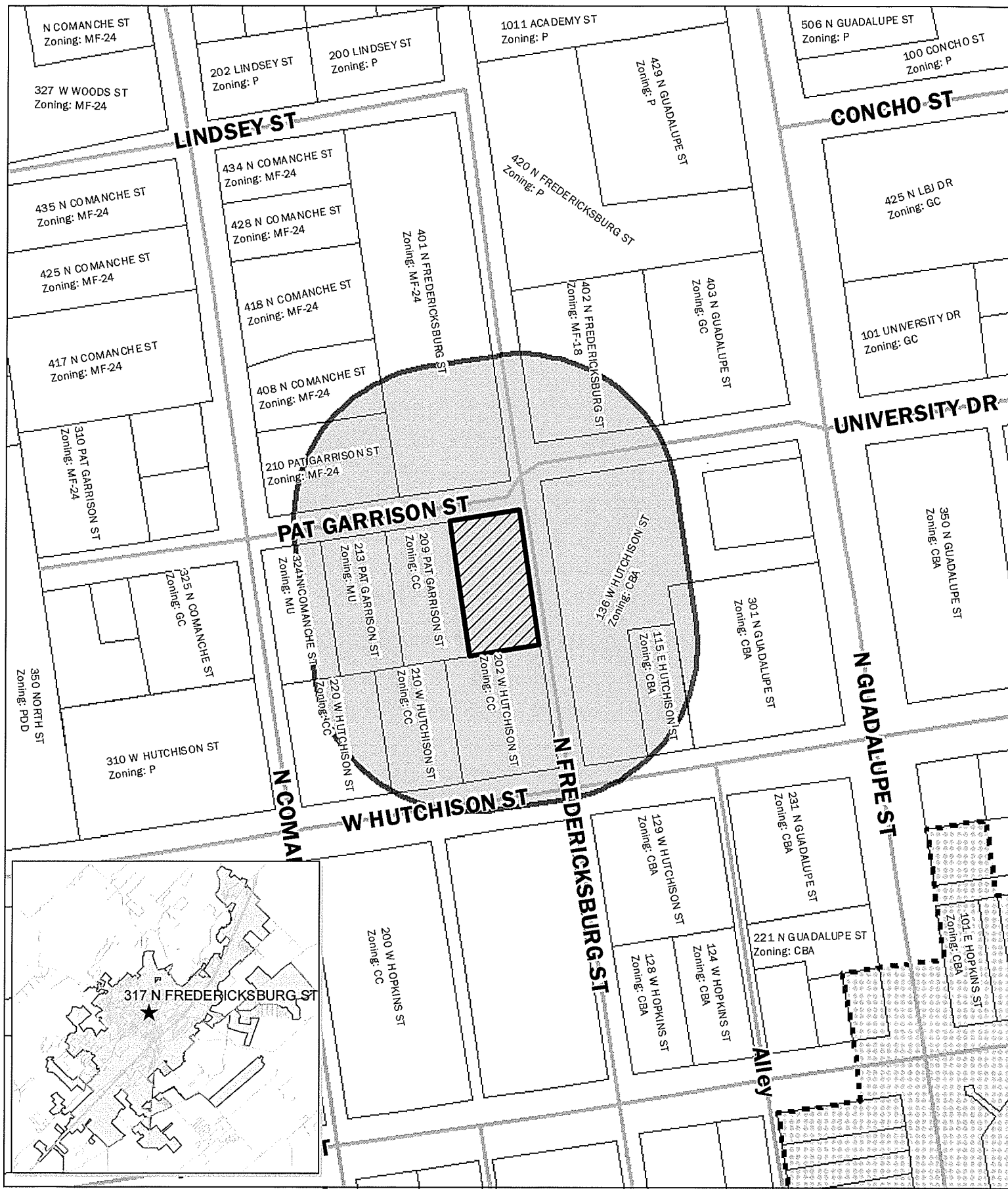
11. Consider approval of the minutes from the Regular Meeting on May 25, 2010.

12. Questions from the Press and Public.


13. Adjourn.


Notice of Assistance at the Public Meetings:


The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



CUP-10-11
317 N Fredericksburg
Map Date: 05/27/10

 Notification Buffer
 (200 feet)

 Site Location

 Historic District

This map was created by Development Services
 for reference purposes only. No warranty is made
 concerning the map's accuracy or completeness.

0 60 120 240
 Feet



CUP-10-11

Conditional Use Permit

Hair Salon

317 N. Fredericksburg



Applicant Information:

Applicant: Ronnie L. Vasquez
320 Wildcat Hollow Dr
Kyle TX 78640

Property Owner: Kyle and Cyntia Vasquez
320 Wildcat Hollow Dr
Kyle TX 78640

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow a hair salon in an Office Professional (OP) zoning district.

Notification: Public hearing notification mailed May 28th. A list of property owners notified is attached.

Response: None as of June 1st

Subject Property:

Location: 317 N. Fredericksburg

Legal Description: Farm Lot Block Pt of 21

Frontage On: Fredericksburg, Pat Garrison

Neighborhood: Downtown

Existing Zoning: OP-Office Professional

Master Plan Land Use: Commercial

Sector: 8

Existing Utilities: Existing

Existing Use of Property: Hair Salon

Proposed Use of Property: Hair Salon

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	MF-24	Apartments
S of Property	CC	Commercial parking
E of Property	CBA	Bank drive-through
W of Property	CC	Real estate appraiser

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

The Office Professional (OP) district is designed to accommodate low intensity, small scale office uses and service facilities, which would be compatible with residential uses. The Land Use Matrix identifies a Barber/Beauty Shop, Haircutting (non-college) as a conditional use in the OP zoning district.

Case Summary

The subject property is located on the southwest corner of Fredericksurg and Pat Garrison. In 2006, P&Z approved a CUP to allow a hair salon for one year. In 2007, this was renewed for three years. This request is for another renewal.

Comments from Other Departments:

Building, Police, Engineering, Code Enforcement, Environmental Health, and Fire have not reported major concerns regarding the request.

Planning Department Analysis:

The original request was reviewed and found to meet the criteria for approval in Section 1.5.7.5 of the Land Development Code. As part of improving the lot, the applicant re-striped the parking and created an ADA accessible space. Based on the square footage of the building, eight off-street parking spaces are required; a total of 12 spaces are provided. Additional landscaping was required as a condition of the renewal in 2007. The business has operated continuously throughout this time, and the application indicates that no changes are proposed to the site or structure.

This use is consistent with the Downtown Master Plan recommendation for neighborhood centers and with the Horizons Master Plan policy of encouraging retail and services that support the local neighborhood. Staff is not aware of any incidents in the four years of operation at this location, and no comments have been received from other departments or the public. **Staff recommends approval of the Conditional Use Permit without expiration.**

Planning Department Recommendation:	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

John Foreman

Planner

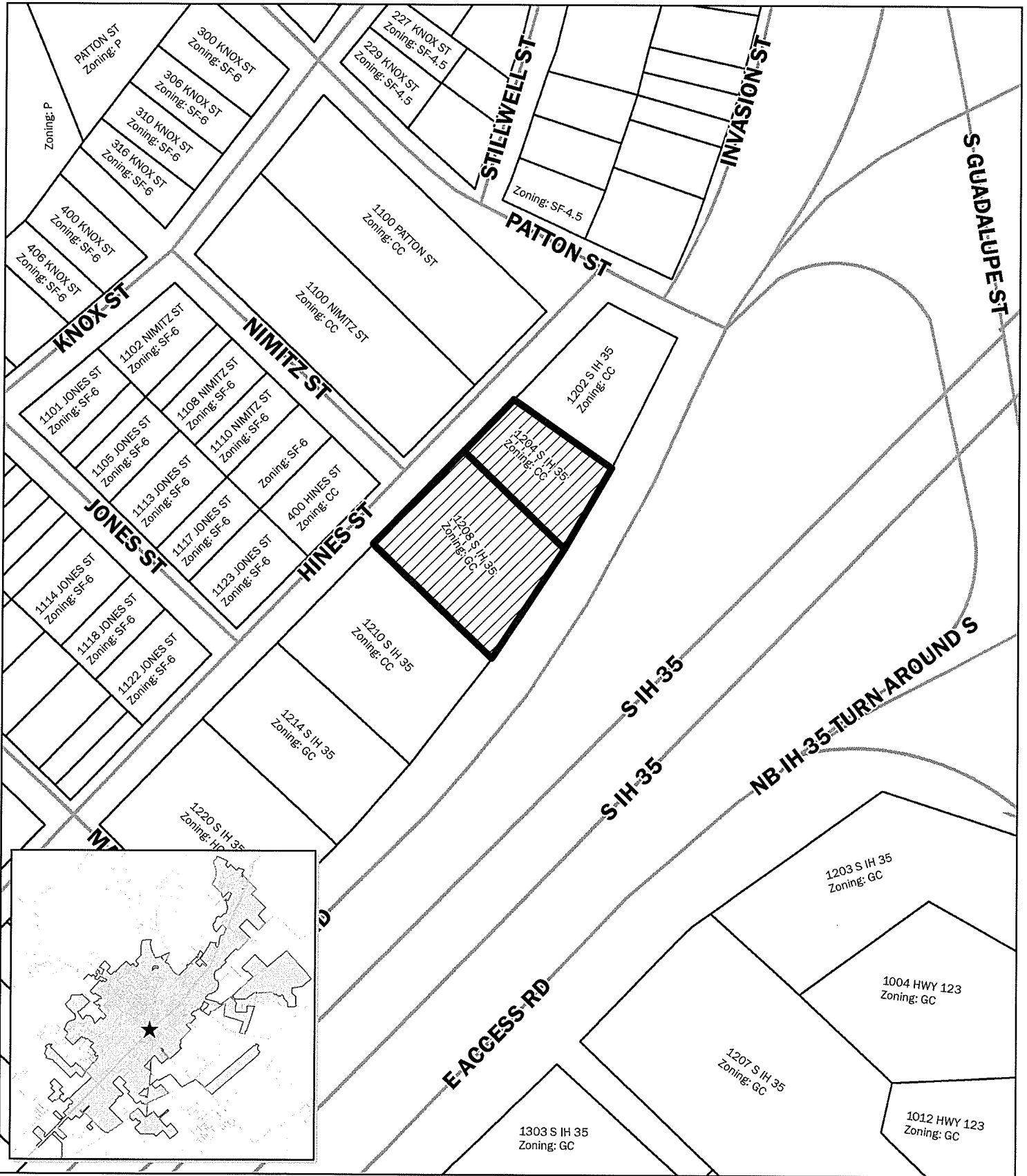
6/1/2010

Name

Title

Date





PC-10-05(04)
1204 and 1208 IH 35 South
Map Date: 06/02/10

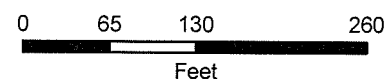


Site Location



Historic District

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PC-10-05(04) Final Plat Lot 1-A and 2-A, Block 43, Second Section, Victory Gardens



Applicant Information:

Applicant: Kyle Smith
Byrn & Associates
P. O Box 1433
San Marcos, TX 78667

Property Owner: Lorenzo and Fidel Valadez Bros. Inc
P.O. Box 986
San Marcos, Texas 78667

Applicant's Agent: Kyle Smith

Notification: Notice of Public Hearing – Published May 23, 2010 in *The Daily Record*, San Marcos, TX

Type & Name: Final Plat Lot 1-A and 2-A, Block 43, Second Section, Victory Gardens

Subject Property:

Summary: The subject property is located at 1208 and 1204 South IH 35; The applicant is proposing to replat a .47 acre portion of Block 43, Second Section, Victory Gardens along with an adjacent .43 acre tract out of the J.M Veramendi Survey No. 1 to establish two lots known as Lot 1-A and Lot 2A, Block 43, Second Section, Victory Gardens. Currently, there are two restaurants located on these lots.

Traffic / Transportation: Lot 1-A has approximately 143 feet of frontage on IH 35 and 140 feet of frontage on Hines Street in the rear of the lot. Lot 2-A has approximately 109 feet of frontage on IH 35 and 81 feet of frontage on Hines street at the rear of the lot

Land Use Compatibility: This property is surrounded by commercial land uses

Utility Availability: Water, wastewater, and electrical service will be provided to this property by the City of San Marcos.

Zoning: Subject property is currently zoned GC (General Commercial) and CC (Community Commercial)

Planning Department Analysis:

These lots are both currently developed. The applicant is proposing an expansion of the building on Lot 1-A located at 1208 South IH 35. This addition triggers the need for platting as well as full site compliance under the Land Development Code. The subject property is not in the floodplain and does not require a watershed protection plan. This plat meets all the criteria set out in our LDC for platted lots and therefore staff is recommending approval.

Planning Department Recommendation	
x	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Concept Plan. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

List of Attachments:

- Location Map
- Replat

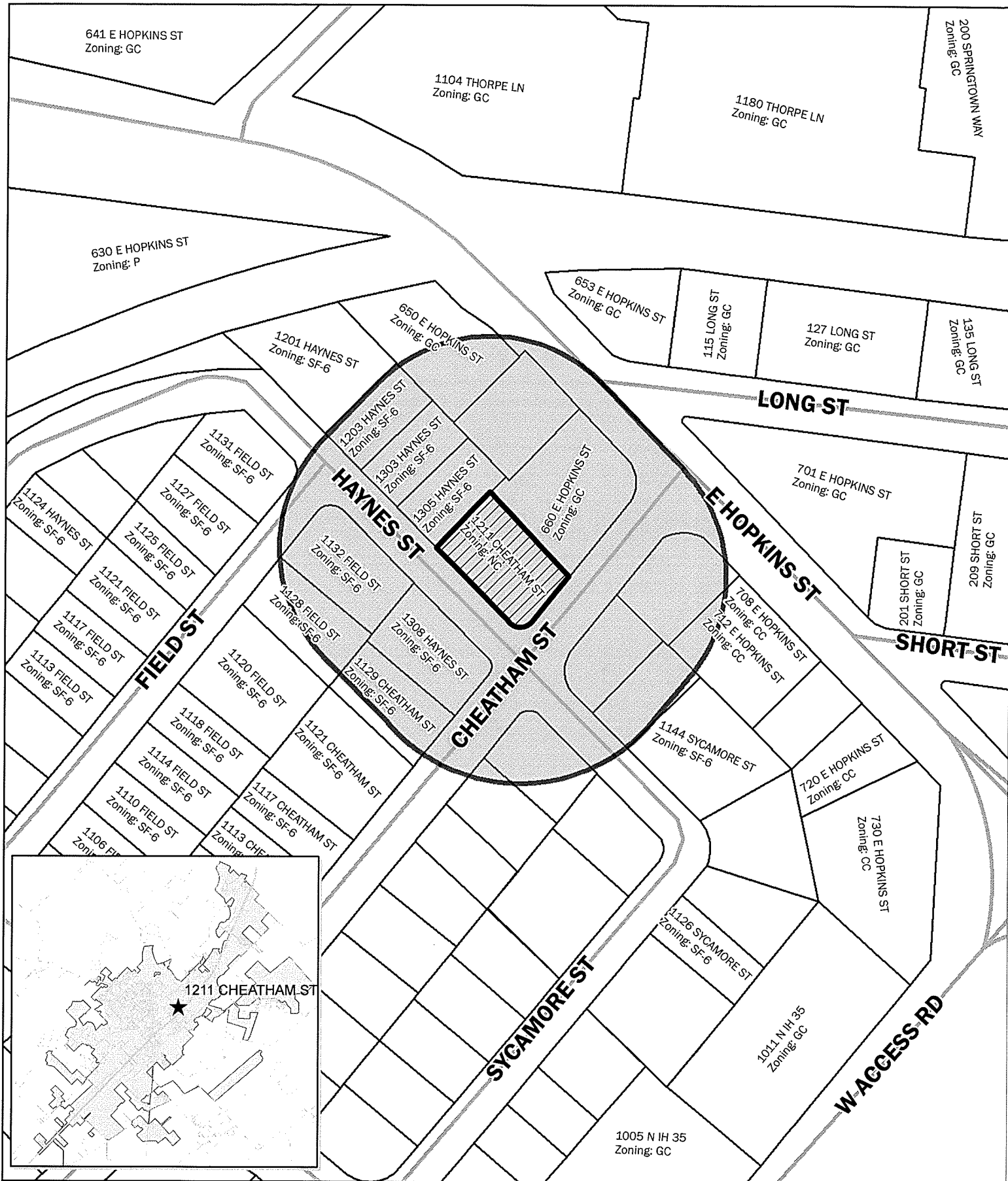
Prepared By:

Abigail Gillfillan

Planner

06/02/2010

Name**Title****Date**



ZC-10-02

**1211 Cheatham
NC to CC**

Map Date: 05/27/10



Notification Buffer
(200 feet)

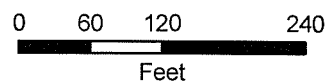


Site Location



Historic District

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Zoning Change

ZC-10-02

1211 Cheatham Street



Administrative Summary:

Applicant: David Foor
Lumberton Investment, LTD
1520 Oliver
Houston, TX 77007

Property Owner: Same

Notification: Public hearing notification mailed to all property owners with 200 feet of Subject property on May 28, 2010.

Property/Area Profile:

Legal Description: 0.338 +/- acres, Lot 2B, Block 15, Rio Vista Terrace, Add #3

Location: 1211 Cheatham Street

Existing Use of Property: Vacant, auto storage

Proposed Use of Property: Retail Development

Future Land Use Map: Commercial

Existing Zoning: NC (Neighborhood Commercial)

Proposed Zoning: CC (Community Commercial)

Frontage On: Cheatham Street & Haynes Street

Utility Capacity: Adequate

Sector: Sector 4

Neighborhood: Rio Vista Terrace

**Area Zoning and
Land Use Pattern:**

Orientation	Zoning	Existing Land Use	Future Land Use
N of Property	GC	Used Car Sales	Commercial
S of Property	SF-6	Single-Family	Low Density Residential
E of Property	SF-6/GC	Single-family Convenience Store	Low Density Res Commercial
W of Property	SF-6/GC	Single-family Fast Food Restaurant	Low Density Res Commercial

Planning Department Analysis:

The applicant owns this lot (Lot 2B being 0.338 acres) and the adjacent lot to the north (Lot 1B being 0.411 acres). These two lots current have different zoning classifications. The applicant is attempting to rezone both of these two adjacent properties to have the same zoning classification, consequently plotting these two lots into one. The result would be a more usable tract and a more valuable tract. The subject property is currently zoned NC (Neighborhood Commercial) and the applicant is requesting an up zoning to CC (Community Commercial). In the next zoning case (ZC-10-03 the applicant is requesting a down zoning of Lot 1B from GC (General Commercial) to CC (Community Commercial). The owner does not have an end user at this time, nor does he have any immediate specific plans to develop this property; his request would allow this property to be developed to its highest and best use in the future.

The subject property is a vacant lot located on the northwest corner of Cheatham Street and Haynes Street. This property front Cheatham Street which is designated as a minor arterial street; Haynes Street is the side street. East Hopkins Street (designated a major arterial street and a "Gateway" into San Marcos) lies 130 feet north of the subject property. The applicant also owns the adjacent property to the west as well as the abutting property to the north (subject of the next zoning case). The proximity of the subject property to a major and minor traffic arterial is not conducive, nor desirable for single-family development. The highest and best use of this property is some type of commercial use. .

The Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps The Horizons Master Plan and the Sector 4 plan have identified commercial areas located at the intersections of E Hopkins Street and Cheatham Street. The Future Land Use of the property is Commercial.
X		Consistency with any development agreement in effect No development agreements are in effect for this property.
X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified The uses and standards applicable to commercial zoning designations are compatible with high traffic sites such as the subject property. Although it is not the current intention of the owner to redevelop this site - any redevelopment of the property will trigger full compliance with the zoning requirements of the Land Development Code. Code required screening would provide protection to the residential areas to the rear of the subject property.
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area The change will have no negative effects on public facilities and services.
X		Other factors which substantially affect the public health, safety, morals, or general welfare Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.

Based on the criteria above, staff believes the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the rezoning of the abutting property, the proximity to major and minor traffic arterials, the surround land use, and development pattern in that part of the neighborhood. **Staff recommends approval of the zoning change request, as submitted.**

Development Services Recommendation:

- ☒ Approve as submitted
- ☐ Approve with conditions or revisions as noted
- ☐ Alternative
- ☐ Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

List of Attachments:

Location/Notification map
Resubdivision Plat
Site Photos

Prepared by:

Phil Steed

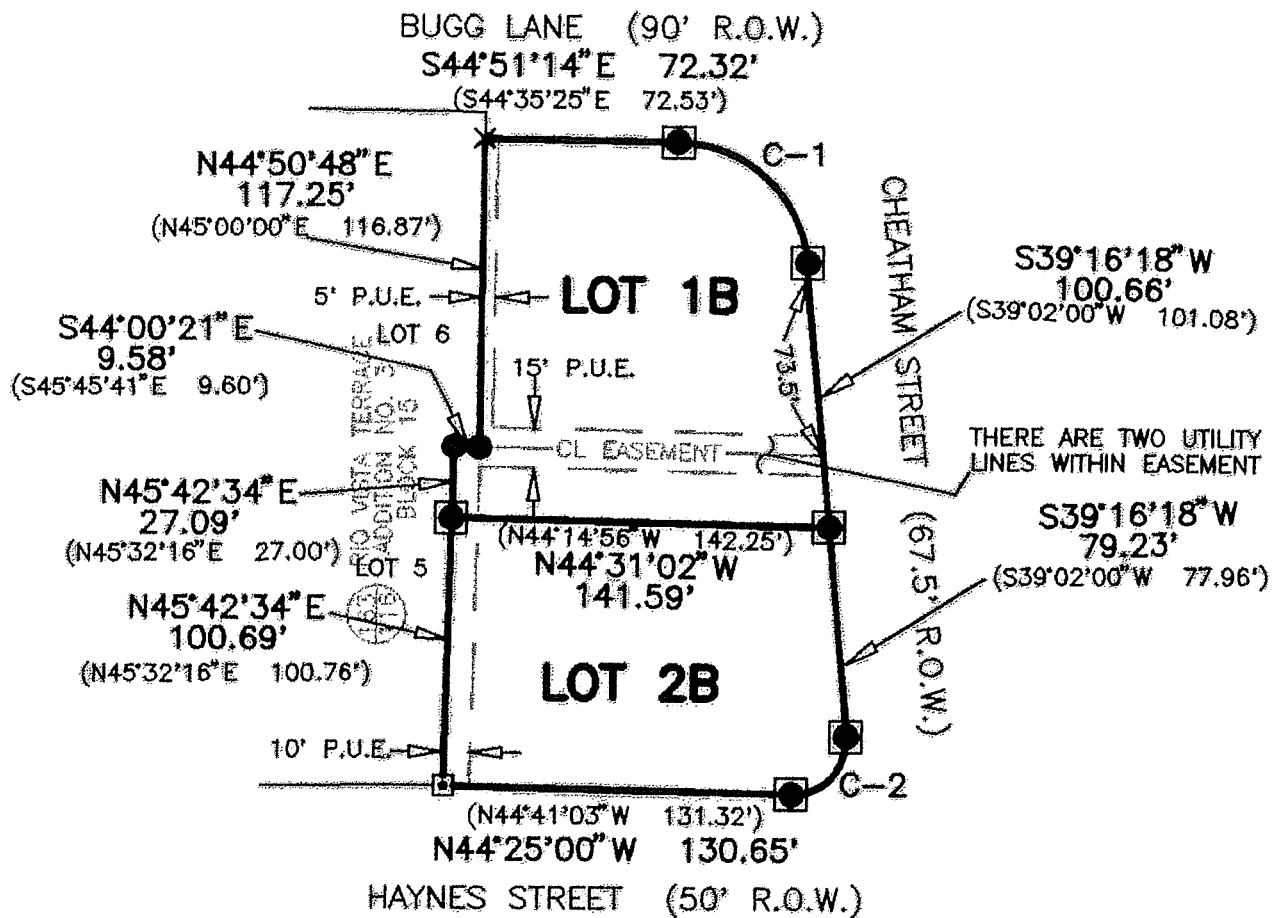
Planner

6/1/2010

Name

Title

Date

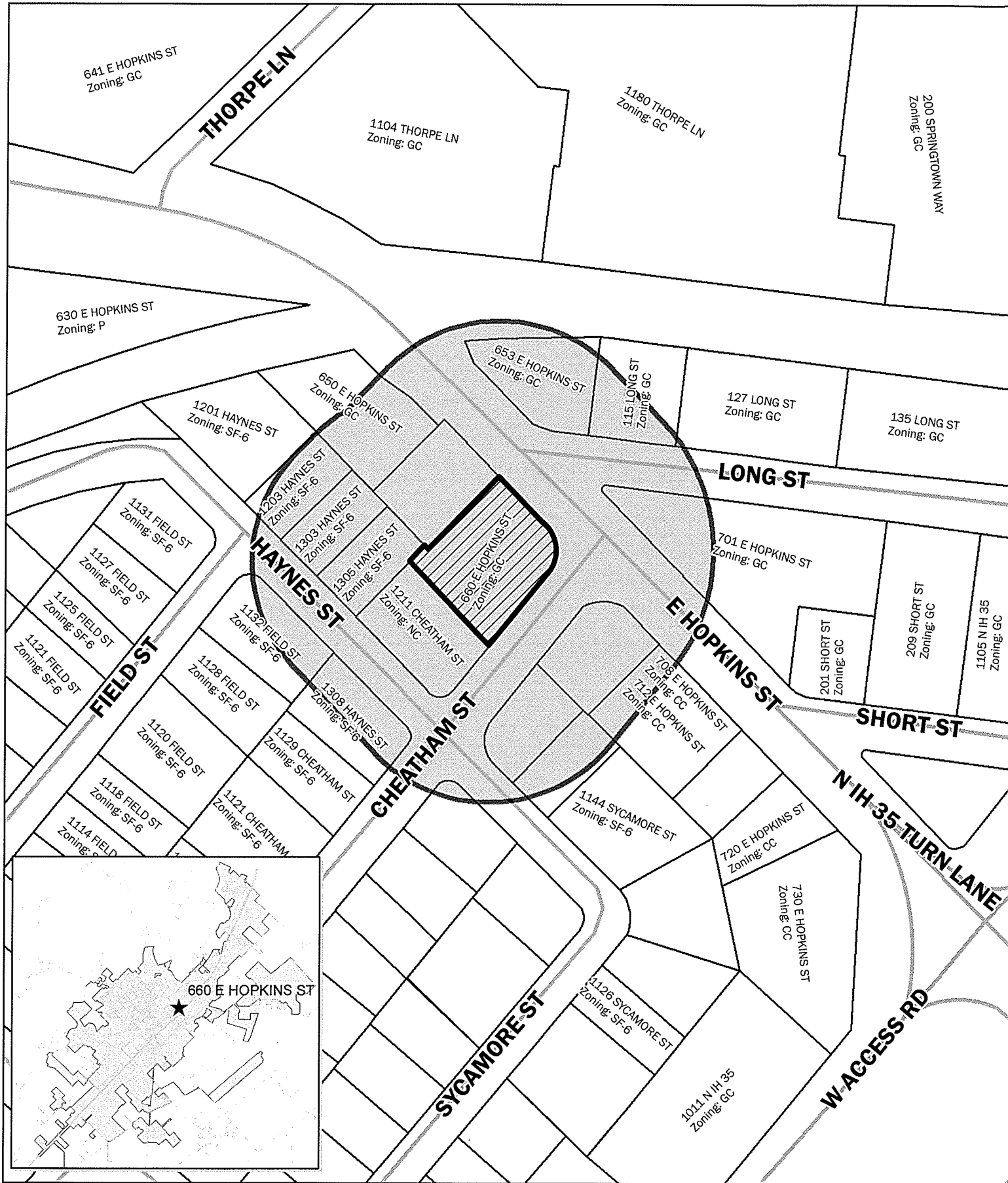


RESUBDIVISION PLAT

BEING LOT 1B AND 2B, BLOCK 15, RIO VISTA TERRACE ADDITION
NO. 3, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS







ZC-10-03

**660 E Hopkins
GC to CC**

Map Date: 05/27/10

 Notification Buffer
(200 feet)

 Site Location

 Historic District

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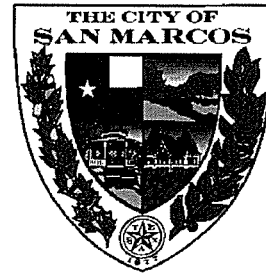


0 60 120 240
Feet

Zoning Change

ZC-10-03

660 East Hopkins Street



Administrative Summary:

Applicant: David Foor
Lumberton Investment, LTD
1520 Oliver
Houston, TX 77007

Property Owner: Same

Notification: Public hearing notification mailed to all property owners with 200 feet of Subject property on May 28, 2010.

Property/Area Profile:

Legal Description: 0.4118 +/- acres, Lot 1B, Block 15, Rio Vista Terrace, Add #3

Location: 660 East Hopkins Street

Existing Use of Property: Used Auto Sales

Proposed Use of Property: Retail Development

Future Land Use Map: Commercial

Existing Zoning: GC (General Commercial)

Proposed Zoning: CC (Community Commercial)

Frontage On: East Hopkins Street & Cheatham Street

Utility Capacity: Adequate

Sector: Sector 4

Neighborhood: Rio Vista Terrace

**Area Zoning and
Land Use Pattern:**

Orientation	Zoning	Existing Land Use	Future Land Use
N of Property	GC	Auto Detail, Car Wash	Commercial
S of Property	NC	Vacant	Commercial
E of Property	CC	Convenience Store	Commercial
W of Property	GC	Fast Food Restaurant	Commercial

Planning Department Analysis:

The applicant owns this lot (Lot 1B being 0.411 acres) and the adjacent lot to the south (Lot 2B being 0.338 acres). These two lots current have different zoning classifications. The applicant is attempting to rezone both of these two adjacent properties to have the same zoning classification, consequently plotting these two lots into one. The result would be a more usable tract and a more valuable tract. The subject property is currently zoned GC (General Commercial) and the applicant is requesting a down zoning to CC (Community Commercial). In the previous zoning case (ZC-10-02 the applicant requested an up zoning of Lot 2B from NC (Neighborhood Commercial) to CC (Community Commercial). The owner will terminate the existing lease with the used auto sales operation and seek an end user that will utilize the site of both Lots 1B and 2B at a higher and better use of this property.

The subject property is located on the southwest corner of East Hopkins Street and Cheatham Street. This property front East Hopkins Street which is designated as a major arterial street and a "Gateway" in San Marcos; Cheatham Street is designated as a minor arterial street. The requested zoning is a down zoning.

The Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps The Horizons Master Plan and the Sector 4 plan have identified commercial areas located at the intersections of E Hopkins Street and Cheatham Street. The Future Land Use of the property is Commercial.
X		Consistency with any development agreement in effect No development agreements are in effect for this property.
X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified The uses and standards applicable to commercial zoning designations are compatible with high traffic sites such as the subject property. Any redevelopment of the property will trigger full compliance with the zoning requirements of the Land Development Code. Code required screening would provide protection any residential areas to the vicinity of the subject property.
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area The change will have no negative effects on public facilities and services.
X		Other factors which substantially affect the public health, safety, morals, or general welfare Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.

Based on the criteria above, staff believes the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the rezoning of the abutting property, the proximity to major and minor traffic arterials, the surrounding land use, and the development pattern in that part of the neighborhood. **Staff recommends approval of the zoning change request, as submitted.**

Development Services Recommendation:

- ☒ Approve as submitted
- ☐ Approve with conditions or revisions as noted
- ☐ Alternative
- ☐ Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

List of Attachments:

Location/Notification map
Resubdivision Plat
Site Photos

Prepared by:

Phil Steed

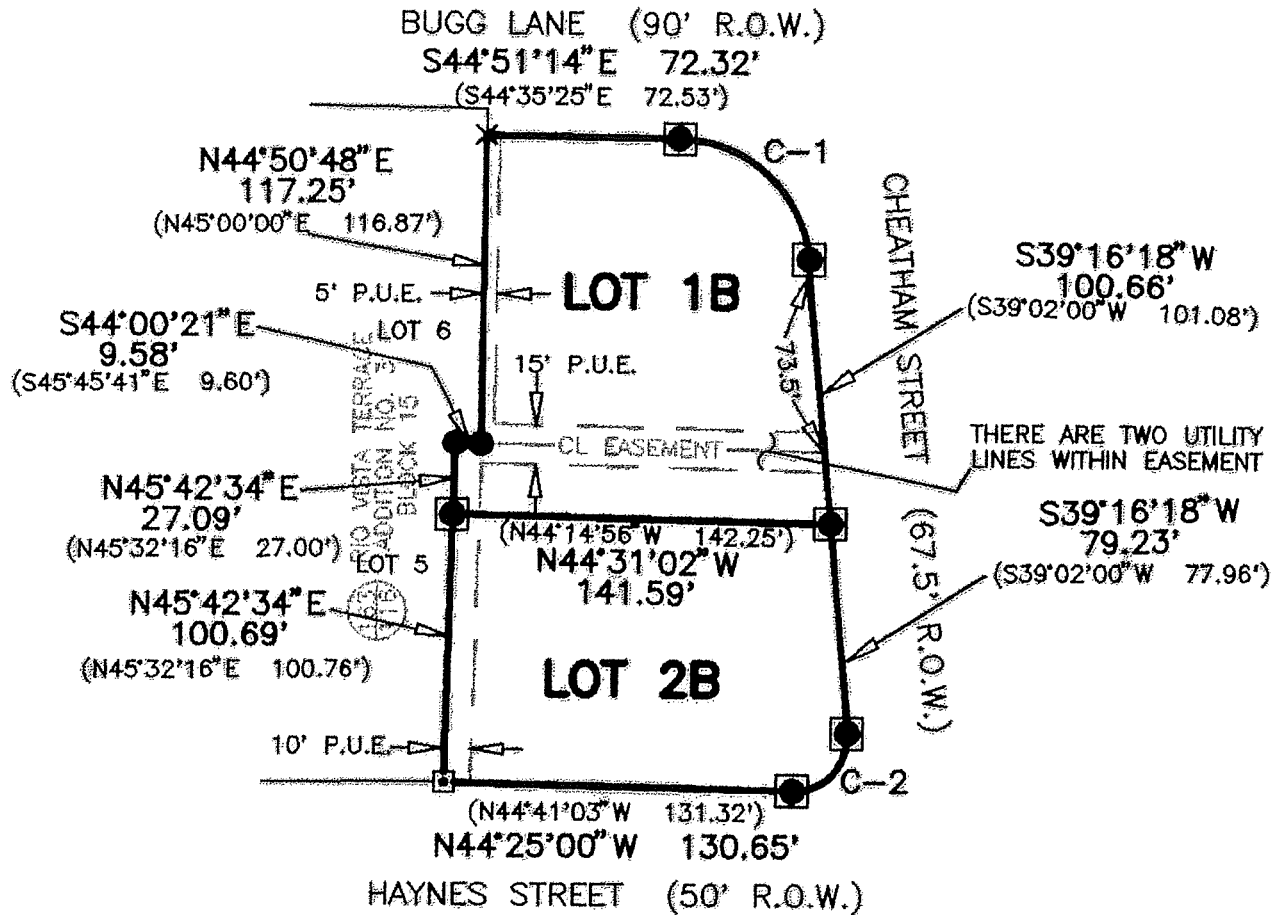
Planner

6/1/2010

Name

Title

Date



RESUBDIVISION PLAT

BEING LOT 1B AND 2B, BLOCK 15, RIO VISTA TERRACE ADDITION
 NO. 3, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS





**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 25, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan
Bucky Couch
Jude Prather (arrived 6:12)
Curtis O. Seebeck
Allen Shy (absent)
Jim Stark
Chris Wood

City Staff:

Matthew Lewis, Assistant Director
Francis Serna, Recording Secretary
Phil Steed, Planner
John Foreman, Planner
Abigail Gillfillan, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday May 25, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

There were no citizen comments.

6. CUP-10-09. Hold a public hearing and consider possible action on a request by Francisco Zapata, for a Conditional Use Permit to allow a drive-in food service establishment to be located within the Community Commercial (CC) zoning district for Lot 4 and part of 3, Block 21 of the Original Town of San Marcos located at 420 University Dr.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a amendment to the motion made by Commissioner Stark and a second by Commissioner Bryan, the Commission voted seven (7) for, one (1) opposed and one (1) abstained, to approve CUP-10-09 for three years. The motion carried. Commissioner Taylor voted no. Commissioner Prather abstained.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-10-09 for three year and the condition of screening of all dumpsters. The motion carried unanimously.

7. CUP-10-10. Hold a public hearing and consider possible action on a request by Bernice Rainosek, for a Conditional Use Permit to allow a barber/ beauty shop (non-college) to be located within the Office Professional (OP) zoning district for a suite in the existing commercial strip center being Part of lots 8 and 9, Block 1, of the John Scott Addition located at 705 W. Hopkins St.

Chair Bishop opened the public hearing. Bernice Rainosek, resident 735 W. Hopkins and owner of 705 W. Hopkins stated that she has requested to move Merle Norman to the front of the building. The suite is approximately 600 sq. ft. Ms. Rainosek explained that she previously requested a zoning change and that City Council recommended that she apply for a Conditional Use Permit. She added that she has 11 signatures of adjacent property owners that are in support of her request. Ms. Rainosek provided the Commission with a copy of the signatures. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Prather, the Commission voted all in favor to approve CUP-10-10. The motion carried unanimously.

8. PVC-10-01. Consider possible action on a request by Gloria Velasquez for a platting variance to Section 4.4.1.1(b) of the Land Development Code, which requires that "Flag" lots (i.e. lots with minimal, or panhandle type, frontage) shall not be permitted; to allow a flag lot to be platted at 2410 Offermann Hill Road, San Marcos, TX.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Stark, the Commission voted seven (7) for and two (2) opposed, to deny PVC-10-01 based on their findings that the request did not meet the Criteria for Approval as required under Section 1.10.2.4 of the Land Development Code on criteria items 2- The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land; 5- Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property; 7- The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner; and 8- The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship. The motion to deny carried. Commissioners Couch and Prather voted no.

9. PVC-10-02. Consider possible action on a request by Gloria Velasquez for a platting variance to Section 6.7.1.2(c) of the Land Development Code, which prohibits the platting of a severely elongated lot (in excess of a three to one length to width ratio; to allow a lot with a six to one length to width ratio to be platted at 2410 Offermann Hill Road, San Marcos, TX.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Taylor, the Commission voted seven (7) for and two (2) opposed to deny PVC-10-02 based on their findings that the request did not meet the Criteria for Approval as required under Section 1.10.2.4 of the Land Development Code on criteria items 2- The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land; 5- Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property; 7- The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner; and 8- The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship. The motion to deny carried. Commissioners Couch and Prather voted no.

10. SNC-10-01. Hold a public hearing and consider possible action on a request by The San Marcos High School Class of 2010, on the behalf of SMCISD Board of Trustees for a request to change the name of a portion of E McCarty Lane to Rattler Road; the proposed section of E McCarty Lane to be changed is from the intersection of Old Bastrop Hwy (CR 266) to its current terminus point to the east (2600 Block).

Chair Bishop opened the public hearing. Kelly Mathis, 2705 Mountain High Drive, a Senior Class Officer at San Marcos High School spoke in support of the request. She asked the Commission that everyone should work together and maintain the school spirit. Carter Morris commented that McCarty Lane will eventually extend past Hwy. 123. He suggested that the name of the road be contiguous throughout McCarty Lane and not just a section of the road. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Prather, the Commission voted all in favor to approve SNC-10-01. The motion carried unanimously.

There was a six minute recess.

11. LUA-09-14. Hold a public hearing and consider possible action on a request by Ramsey Engineering, LLC, behalf of Craddock Avenue Partners, LLC, for a an amendment to the city's future land use map from Very Low Density Residential (VLDR) to Mixed Use (MU) for 10.65 acres, more or less, tract of land located south of the intersection Craddock Avenue and Bishop Street.

12. ZC-09-17. Hold a public hearing and consider possible action on a request by Ramsey Engineering, LLC, on behalf of Craddock Avenue Partners, LLC, for a zoning change from single family (SF-6) to Mixed Use (MU) for 12.88 acre, more or less, tract of land located at 1314 Franklin Drive.

Chair Bishop opened the public hearing for LUA-09-14 and ZC-09-17.

Diane Wassenich, 11 Tanglewood, stated that she represents the San Marcos River Foundation. She said that the SMRF has followed the tract of land the City's development for plans with much concern. Ms. Wassenich explained that they filed a motion to overturn the TCEQ approval of the Geologic Assessment (GA) when they gathered documents that made it clear to them that the developer's GA was incomplete. She added that within the 23 days they were allotted they found documentation and maps that they assumed were given to the Commission. In addition, they also provided TCEQ with the documentation that was found.

Ed Theriot, ETR Consulting, present on behalf of Craddock Avenue Partners spoke in support of the Land Use Map Amendment and the Zoning Case. He mentioned that the zoning case was formerly approved unanimously by the Planning Commission with. Mr. Theriot pointed out that the mixed use zoning is consistent with the south east side of Franklin. In addition, he stated that the Planning and Zoning Commission recognized that the Development Agreement approved by the City Council established additional standards designed to enhance the compatibility of the Mixed Use District with the Single Family area. Mr. Theriot added that they believe that both requests are fully supported by the San Marcos Horizons Master Plan.

Steve Ramsey with Ramsey Engineering, civil engineer and consultant for the Buie tract stated that they have coordinated with the City, specifically Laurie Moyer, Assistant City Manager regarding the extension of Columbia Dr. from Franklin over to Craddock which will include a median break in Craddock. He explained that the City is currently constructing Craddock and will provide the median break. Mr. Ramsey further explained that this would provide relief and will have direct access to Wonder World which will improve traffic access and safety. He mentioned that the Mixed Use tract has no sensitive feature and that TCEQ has approved the Geologic Assessment. Mr. Ramsey assured the Commission that TCEQ has not approved anything that is contrary to their rules. He asked the Commission for their vote of approval and advised that he was available to answer questions.

Anita Fuller spoke in support of item 11 and 12. She believes that the requests will compliment the district. She believes the requests will complement and enhance the zoning currently in place on Franklin Street and North Bishop Street. Ms. Fuller stated that the Mixed Use district will allow the concept of live, work and play Ms. Fuller also believes that any land owner has the right to develop their property within the policies, rules and laws established by elected and important citizens of the City, County, State and Federal Governments. She asked the Commission to support items 11 and 12.

Camille Phillips, Franklin Drive, asked the Commission to please deny the changes. She stated the changes are not supported by Horizons Master Plan. Ms. Phillips said if they allow new apartments by old neighborhoods they are telling folks to go somewhere else, such as New Braunfels, Buda, or Kyle. She added that many people have signed a petition against the zoning change. In addition, people have mentioned stop the brain drain of people who work in San Marcos and don't live here. She asked the Commission to please deny the changes.

Joe Schneider, 803 Mustang Lane, read one item of the Horizons Master Plan which states it's consistent. Mr. Schneider read Policy LU-3.17 City shall allow different housing densities to abut one another as long as a proper buffer is provided and traffic generated by each use does not mix within the neighborhood and does not increase the load on existing roadways. He stated that the traffic load on Columbia Street will increase. A 50' foot street is proposed as the buffer.

Rick Coleman, Managing Member of Craddock Avenue Partners stated that they fully expect that the City will require them to improve Franklin Avenue on their end. He explained that the benefits to the whole area would include sidewalks, curb and gutters. Mr. Coleman added that they currently have an agricultural exemption and when the project is complete it will generate tax rolls of about \$1,400,000.00, \$8,000-\$9,000 will go to the Hays Consolidated School District. He explained that there will be office/retail on the bottom level and apartments on the top level. There will not be any warehouses or welding shops on the property. He pointed out that the

Development Agreement requires a four sided architectural design which will not allow any unsightly parts facing Franklin.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Stark, the Commission voted seven (7) for and one (1) opposed to approve LUA-09-14. The motion carried. Commissioner Bishop voted no.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed to approve ZC-09-17. The motion carried. Commissioner Bishop voted no.

13. Hold a public hearing and consider revisions to the following sections of the Land Development Code: Section 1.6.1.3 Platting Exemptions, Section 1.6.6.6- Maintenance and Warranty of Improvements, Table 4.1.6.1, Land Use Matrix, Section 5.1.1.5a Requirements and Standards for BMPs, Section 5.5.1.1 Tree Preservation Standards, Section 6.7.2.1 Lot Size Minimum, Section 6.7.1.1 Link to Node Ratio Requirements, Section 6.1.1.1 Landscaping Requirements, Chapter 4 Overlay Districts- I-35 Overlay District, Section 6.4.2.1 Noise Ordinance, Section 6.2.1.1 Off Street Parking Standards, Section 4.5.3.7 Special Exception Requirements, Section 7.4.2.3 Sidewalk Requirements, Section 7.4.1.4- Street lighting requirements, Chapter 8 Glossary, and Section 4.4.3.1 Residential Design Standards.

Chair Bishop opened the public hearing. Monica McNabb 2006 Martin's Crest, representing the Board of Realtors, Government Affairs Committee Chair provided a letter in their reading folders. She asked the Commission to table the request and allow staff time to review their suggestions and comments. Ms. McNabb indicated that nine of seventeen points they think are fine, the other seven, they were split on which include five need more review and three in opposition. She stated that she spoke to Sofie and that she indicated that the city staff and the Commission are willing to work with them to resolve their concerns. She asked the Commission to consider their recommendation of postponing the request.

Harry Savio, Executive Vice President of the Homebuilders Association of Greater Austin (Hays County Chapter) advised the Commission that they received a letter in their reading files. In addition Mr. Savio provided the Commission with an article in the San Marcos Daily Record seeking fair housing survey. He stated he was present in opposition of the request and suggested the item be tabled to allow the Association to work with staff. He added that he currently has a meeting with staff scheduled on Thursday morning, May 27, 2010 to go over questions and input.

Tom Taber, custom home builder and owner of Vista Homes, representing the San Marcos area Homebuilders Association as the Vice President. He stated they are in opposition to the proposed changes to the Land Development Code. Mr. Taber commented that he as well as other homebuilders currently has issues finding custom home lots to build on in San Marcos. He felt that the changes will keep adding to developer cost and send them to other areas to build.

Ed Theriot, ETR Consulting stated he appreciates the work staff has put into the proposed amendments and willingness to work with citizens regarding concerns. He pointed out three issues of concerns which include the recharge zone and water quality areas; Link to Node Requirements; and the City producing a vesting analysis. He asked that these concerns be reviewed.

Joe Schneider stated he would like to address one item; table 4.1.6.1., 30 ft height limitations in Mixed Use areas. He pointed out that he did not see a problem with the table in the downtown area but does see a problem in the residential districts.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed postpone the Proposed LDC Amendments to an indeterminate date. The motion carried. Commissioner Stark voted no.

There was an eleven minute recess.

14. Hold a public hearing and make a recommendation on the City of San Marcos 2011-2020 Capital Improvements Plan.

Chair Bishop opened the public hearing. Linda Coker, 1105 San Marcos Parkway, President of the San Marcos Library Board spoke in support of the library expansion. She said they are happy with the 150,000 funds for the feasibility study and the 2012-2013 CIP schedules. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted all in favor to recommend to City Council the City of San Marcos 2011-2010 Capital Improvements Plan. The motion carried.

15. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

There were no Planning Reports.

Commissioners' Report

There were no Commissioners' Reports.

16. Consider approval of the minutes from the Regular Meeting of May 11, 2010.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Bryan, the Commission voted seven (7) for, none (0) opposed and one (1) abstained, to approve the minutes from the Regular Meeting of May 11, 2010. The motion carried. Commissioner Seebeck abstained.

17. Questions and answers from the Press and Public.

There were no questions from the press and public.

18. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 9:37 p.m. on Tuesday, May 25, 2010.

Sherwood Bishop, Chair

Bill Taylor, Commissioner

Jim Stark, Commissioner

Jude Prather, Commissioner

Chris Wood, Commissioner

Bucky Couch, Commissioner

Randy Bryan, Commissioner

Curtis Seebeck, Commissioner

ATTEST:

Francis Serna, Recording Secretary